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In re Application of
DRECHSLER, Martin et al.
Application No.: 10/069,826
PCT Application No.: PCT/EP00/03666
International Filing Date: 22 April 2000
Priority Date: 06 May 1999
Attorney Docket No.: AZ.2968
For: UV-SUPPORTED ACTIVATION OF
DOPING AGENT IN COMPOUND
SEMICONDUCTORS VIA RTP
SYSTEMS

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to applicants' "Letter In Response To Decision On Petition Under 37 CFR 1.181 of July 8, 2002," filed with the United States Patent and Trademark Office on 23 August 2002.

BACKGROUND

On 22 April 2000, applicants filed international application PCT/EP00/03666 which claimed priority to an application filed on 06 May 1999. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 November 2000. Applicants elected the United States in a demand filed on 21 October 2000. The thirty month time period for entering the national stage expired at midnight on 06 November 2001.

On 22 February 2002, applicants filed the instant petition accompanied by a transmittal letter for entry into the national stage in the United States, a preliminary amendment, a copy of an Express Mail mailing label and a translation of the international application.

On 08 July 2002, the Office mailed Decision On Petition Under 37 CFR 1.181 dismissing the petition without prejudice.

On 23 August 2002, applicants submitted the instant renewed petition.

DISCUSSION

A petition under 37 CFR 1.181 to accord a receipt date to paperwork that applicant claims was lost by the Office must be accompanied by (1) a true copy of what applicant claims was originally submitted and (2) proof that the paperwork was submitted on a particular date.

Item (1) was previously met.

Item (2) has been met. Applicants submitted a copy of what they claim was submitted on 05 November 2001. The total weight is approximately the weight listed on the Express Mail mailing label numbered EL436586994US, 1 lb 2.6 oz. The weight of application number 10/011,874 alone was approximately 0.8 lbs. This evidence indicates that there was additional material in the 05 November 2001 submission.

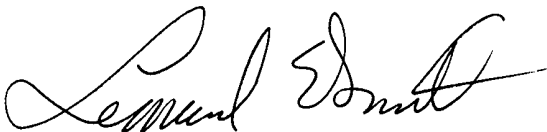
Taken together, these indications are adequate evidence that the transmittal letter for entry into the national stage in the United States accompanied by the basic national fee was submitted on 05 November 2001.

Applicants additionally seek a filing receipt for the application. Filing Receipts are issued when applicants complete the requirements of 35 U.S.C. 371. Applicants have not yet supplied an oath or declaration of the inventors.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late furnishing of the oath or declaration are required.



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